



PATENT  
ATTORNEY DOCUMENT NO. 044921-5029-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
William MUNGER *et al.* )  
Application No.: 09/960,706 ) Group Art Unit: 1645  
Filed: September 24, 2001 ) Examiner: Unassigned  
For: IDENTIFYING DRUGS FOR AND )  
DIAGNOSIS OF BENIGN PROSTATIC )  
HYPERPLASIA USING GENE )  
EXPRESSION PROFILES )

#6  
Plunkett  
7/28/02

Commissioner of Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed more than three months after the filing date of this application but before the mailing date of either a first Office Action on the merits. Accordingly, no fee is believed to be due with this filing. Pursuant to 37 C.F.R. § 1.97(d)(1), the references are not included with this submission, having been provided in prior application 09/873,319.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the above-listed documents are material or constitute "prior art." If it should be determined that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the application and the references therein, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: June 11, 2002

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